

**MINUTES**  
**UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**UTAH WATER QUALITY BOARD**

Magna Library  
8339 West 3500 South  
Magna, Utah  
September 15, 2006  
1:30 PM

**UTAH WATER QUALITY BOARD MEMBERS PRESENT**

Paula Doughty	Joe Piccolo
Dave Echols	Gregory Rowley
Leland Myers	Daniel Snarr
Jay Olsen	

**DIVISION OF WATER QUALITY STAFF MEMBERS PRESENT**

Walt Baker, Faye Bell, Harry Judd, Ed Macauley, John Whitehead, Emily Canton, Bill Moellmer, Ying,-Ying Macauley, Tim Beavers, Dan Hall, Rob Herbert

**OTHERS PRESENT**

<b><u>Name</u></b>	<b><u>Organization Representing</u></b>
Fred Nelson	Attorney Generals Office
Bronson Smart	NRCS
Steven Myers	Forsgren Assoc.
Travis Higby	Forsgren Assoc.
Rudd Conover	Forsgren Assoc.

Chair Piccolo called the Board meeting to order at 1:30 p.m. He welcomed those in attendance and invited the members of the audience to introduce themselves.

**APPROVAL OF MINUTES OF THE AUGUST 18, 2006 MEETING**

Ms. Doughty noted that her name was spelled wrong in the motion to approve the minutes.

**Motion:**        **It was moved by Mr. Myers and seconded by Mr. Echols to approve the minutes of the August 18, 2006 Board meeting with the noted correction. The motion was unanimously approved.**

**RULEMAKING**

**Request to proceed to rulemaking for adoption of approved TMDLs by reference:** Mr. Whitehead presented to the Board, staff's petition for incorporation into the "*Definitions and General Requirements*" of R317-1, *Utah Administrative Code* and proceed to rulemaking for adoption of approved TMDLs by reference. After some discussion, the Board said they would like to arrange a work meeting to discuss TMDLs.

**Motion:**        **Following an extensive discussion, it was moved by Mr. Olsen and seconded by Mr. Myers to approve staff's request to proceed to rulemaking. The motion was unanimously approved.**

**Request to initiate Rulemaking for UAC R317-1 and UAC R317-6 to Adopt NRCS Liner Criteria Tables for Animal Waste Lagoons and Runoff Ponds:** Mr. Hall explained to the Board, that in response to stakeholder feedback regarding more stringent liner requirements for animal wastewater lagoons, the Executive Secretary formed a best available technology work group on September 22, 2005. The objective of the work group was to develop recommendations to the Water Quality Board to define best available technology for agricultural liquid waste handling systems. Based on the positive response by the stakeholders, the liner tables were presented at the NRCS State Technical Committee Meeting on August 30, 2006 and adopted into “NRCS Practice Standard 313, Waste Storage Facility” in Section IV Practice Standards and Specifications of the Utah NRCS Field Office Technical Guide. Mr. Olsen expressed concern that land application of dry manure and storage of dry manure in piles would now require a ground water discharge permit or that piles of dry manure would require an engineered liner system. DWQ staff clarified to Mr. Olsen that this rulemaking only applies to facilities or operations that are not permitted by rule and that land application of manure is an operation that is permitted by rule (R317-6-6.2A.9; land application of livestock wastes, within expected crop nitrogen uptake). Staff also specified that this rule change will only require ground water discharge permits for large operations that have liquid waste storage systems and does not apply to large operations with dry manure handling systems (e.g., Delta Egg). Staff clarified that large operations are defined as being over the limit of 1,500 equivalent animal units (e.g., over 1,050 dairy cows) with liquid waste handling systems.

Paula Doughty recommended that the R317-6 proposed rule language be clarified to specify that ground water discharge permits will only be required for large operations with "liquid "waste storage systems. Walt Baker pointed out that there was an extensive stakeholder outreach and involvement for these changes including 14 stakeholder work group meetings over a period of approximately one year. Mr. Baker recommended that the staff present the rulemaking proposal at the next AFO/CAFO meeting before taking the revised rulemaking to the Board at the October meeting.

**Motion:**        **It was moved by Mr. Olsen and seconded by Mr. Echols to wait before approving this request, so a number of changes can be made in the wording included in the document. The motion was unanimously approved.**

### **LOAN PROGRAM**

**Financial Assistance Status Report** – Ms. Canton updated the Board on the “Summary of Assistance Program Funds” as outlined on page 3.1.

**North Fork SSD request for additional funds:** Mr. Beavers introduced Steven Myers, Travis Higby and Rudd Conover from Forsgren Assoc. North Fork Special Service District (SSD) is requesting an increase of \$2,170,000 to the \$1,640,000, three percent loan, repayable over 20 years, previously authorized by the Water Quality Board for the design and construction of a wastewater treatment and disposal system. This request will provide the needed funding to construct the aforementioned project which has incurred additional costs due to unforeseen increases in the cost of material during the lengthy time needed to complete planning and design. Staff recommends that the Water Quality Board authorize a \$3,810,000 loan for a term of 20 years at an interest rate of 3% to North Fork Special Service District. Regardless of affordability criteria, the terms for this loan represent the interest rate that staff would recommend to the

Board given today's economic circumstances and would be in keeping with the prior authorization. Following an extensive discussion, the Board asked Mr. Beavers to add in the special conditions wording to state that Sundance Ski Resort must prepay 23% of the project cost at loan closing.

**Motion:**        **It was moved by Ms. Doughty and seconded by Mr. Myers to approve North Fork SSD's request for additional funds with the noted changes mentioned by the Board in the special conditions. The motion was unanimously approved.**

### **OTHER BUSINESS**

**TDS Water Quality Discussion:** Mr. Moellmer explained to the Board that prior to the initiation of formal rule-making, as part of the triennial review of the water quality standards, DWQ staff is proposing changes in the Total Dissolved Solids (TDS) criteria for the protection of agricultural waters (Class 4). He clarified the problems that currently exist in the present criteria and indicated that by making the changes those problems would be corrected.

**Enforcement Updates:** Mr. Whitehead gave the Board an enforcement update on "John Kuhni & Sons", "Ritewood Egg" as well as a general overview of all the enforcement actions presently in process. Sixteen of the current actions are stormwater NOV's that are a product of increased construction activity.

### **NEXT MEETING**

The Water Quality Board will be holding its next meeting on October 20, 2006 at the Farmington City Hall at 1:00 p.m.

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Joe Piccolo  
Water Quality Board Chairman